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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 STEVEN DARBY McDONALD,

9 Plaintiff,

10 v.

11 JOHN DAVID KENNEY,

12 Defendant.

CASE NO. C13-5647 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 19), and
15 Plaintiff Steven Darby McDonald’s (“McDonald”) objections to the R&R (Dkt. 21).

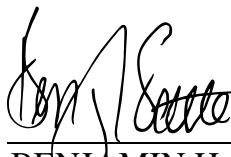
16 On November 18, 2013, Judge Strombom issued the R&R recommending that the
17 Court dismiss McDonald’s complaint without prejudice because McDonald failed to cure
18 significant deficiencies in his complaint. Dkt. 19. Judge Strombom informed McDonald
19 of these deficiencies and allowed him an opportunity to cure the deficiencies, but
20 McDonald responded that he was unable to comprehend Judge Strombom’s order and
21 requested a competency hearing. Dkts. 16–18. On November 29, 2013, McDonald filed
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1 objections reiterating his inability to pursue this litigation based on his incompetency.
2 Dkt. 21.

3 Based on McDonald's submissions, the Court finds that McDonald is able to draft
4 a short and plain statement of his claims. He has failed to do so on multiple occasions
5 and stands by his request for a competency hearing before complying. Without a
6 coherent claim that establishes the jurisdiction of this Court, the Court declines to
7 consider the issue of a competency hearing. Moreover, the Court agrees with Judge
8 Strombom that the complaint should be dismissed without prejudice for failure to provide
9 a short and plain statement of any cognizable claim. Therefore, the Court having
10 considered the R&R, McDonald's objections, and the remaining record, does hereby find
11 and order as follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) McDonald's complaint is **DISMISSED without prejudice**; and
- 14 (3) The Clerk shall close this case.

15 Dated this 16th day of January, 2014.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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